

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2009-____-C

IN RE: Petition of the Office of Regulatory)	
Staff for Commission to Order a)	PETITION OF THE OFFICE OF
Rule to Show Cause as to Why)	REGULATORY STAFF FOR A RULE TO
The Certificates of)	SHOW CAUSE AS TO WHY
Public Convenience and)	CERTIFICATES OF PUBLIC
Necessity for Certain Providers of)	CONVENIENCE AND NECESSITY
Telecommunications Services)	SHOULD NOT BE REVOKED
Should Not be Revoked)	

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission that:

1. The Public Service Commission of South Carolina (“the Commission”) is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina. Further, the Commission is responsible for the regulation of telephone utilities operating for compensation as set forth in S.C. Code Ann. §58-9-10 et seq. (Supp. 2008).

2. The Office of Regulatory Staff (“ORS”) is charged with the duty to protect the public interest pursuant to S.C. Code Ann. §58-4-10, et seq. (Supp. 2008).

3. The Telecommunications Companies listed in Exhibit A are certificated “telephone utilities” as defined in S.C. Code Ann. §58-9-10(6) (1976) in that they are persons or corporations, their lessees, assignees, trustees, receivers or other successors in interest owning or operating in this State equipment or facilities for the transmission of intelligence by telephone for hire, including all things incident thereto and related to the operation of telephones.

4. The Telecommunications Companies listed in Exhibit A are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-9-710 et seq. (Supp. 2008). Further, these Telecommunications Companies have submitted themselves to the jurisdiction of the Commission by their holding a Certificate of Public Convenience and Necessity as indicated in Exhibit A.

5. The Telecommunications Companies listed in Exhibit A, upon receiving their Certificates of Public Convenience and Necessity, were found to possess the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. §58-9-280(B)(1) (Supp. 2008).

6. ORS has the responsibility to ensure that telephone utilities are filing annual reports and certain special reports. “Subject to the approval of the Commission, the Office of Regulatory Staff may require any telephone utility to file annual reports in such form and of such content as the Office of Regulatory Staff may require and special reports concerning any matter about which the Office of Regulatory Staff is authorized to inquire or to keep itself informed or which it is required to enforce.” S.C. Code Ann. § 58-9-370(A) (Supp. 2008). As well, Commission regulations provide:

[t]he telephone utility shall file the following documents and information:

1. Annual Report. Each telephone utility operating in the State shall file an annual report with the commission and provide a copy to the ORS, giving such information as the commission may direct.”

26 S.C. Code Regs 103-612.1.

7. The Telecommunications Companies listed in Exhibit A have failed to file annual reports for the year ending 2008.

8. Pursuant to 26 S.C. Code Regs 103-830.B.1, “if a person other than the petitioner is named in a petition for a declaratory order or in a petition for a rule to show cause, the Chief

Clerk shall cause a copy of the petition to be mailed to such named person within 14 days of the filing of the petition.” In order to assist the Commission in serving this Petition on the Respondents, the Office of Regulatory Staff has provided information in Exhibit A as to the status of each Telecommunications Company and whether the entity is a foreign or domestic business entity. S.C. Code Ann. §§ 15-9-210, 240, 245 (1976), set forth the procedures for serving foreign and domestic business entities.

9. The information for the business entities listed in Exhibit A accurately reflects the information on file with the South Carolina Secretary of State. See Exhibit B, Affidavit of Jeanne Gordon.

10. “Each telephone utility shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the Commission and every direction, rule or regulation made or prescribed by the Office of Regulatory Staff in the performance ... or in relation to any other matter in any way relating to or affecting the business of such telephone utility and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its officers, agents and employees.” S.C. Code Ann. § 58-9-390 (Supp. 2008).

11. Pursuant to S.C. Code Ann. §58-9-1120 (Supp. 2008), “the Commission may ... conduct such other hearings as may be required in the administration of the powers and duties conferred by Articles 1 through 13 of this chapter and by other laws relating to telephone utilities.”

WHEREFORE, the ORS staff prays that the Honorable Commission:

1. Enter an order establishing a Rule to Show Cause instituting a formal proceeding against the persons and business entities listed in Exhibit A.

2. For the persons and business entities listed in Exhibit A, pursuant to 26 S.C. Code Regs. 103-830.B.1, cause a copy of this petition to be served upon such named respondents or other proper person or entity within 14 days of the filing of the petition.

3. Require the parties to submit an Answer to this Petition within the deadlines prescribed by the Commission's rules and regulations.

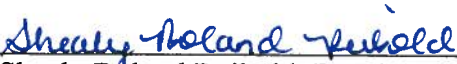
4. Schedule and conduct a formal administrative hearing to address disputed issues of fact and law regarding the Certificate pursuant to S.C. Code Ann. §58-9-820 (Supp. 2008).

5. Pursuant to 26 S.C. Code Regs 103-846.C, take judicial notice of the Commission's records in that the required annual reports have not been filed for the companies listed in Exhibit A.

6. Find that the Telecommunication Companies listed in Exhibit A have not complied with orders, decisions, directions, rules and regulations made or prescribed by the Commission.

7. Enter a final order canceling the Certificates of Public Convenience and Necessity held by the carriers listed in Exhibit A.

8. For other appropriate action which the Commission may deem necessary.


Shealy Boland Reibold, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201
Phone: 803-737-0800
Fax: 803-737-0895

July 17, 2009
Columbia, South Carolina

EXHIBIT A
OUT OF COMPLIANCE - DOCKET #2009- -C

	OrganizationName	Registered Agent	Secretary of State status	Foreign or Domestic	Docket #	Order #	Date Certificate Issued
1	American Fiber Network, Inc. DBA AFN, Inc. Rob Heath - EVP 9401 Indian Creek Parkway Ste 280 Shawnee Mission KS 66210	CT Corp System 75 Beattie Place Two Insignia Financial Plaza Greenville SC 29601	Good Standing	Foreign	2001-21-C	2001-367	4/24/2001
2	BroadPlex, LLC Dr. Rocco Di Santo - CEO & CTO PO Box 2665 Morganton NC 28680	CT Corp System 75 Beattie Place Two Insignia Financial Plaza Greenville SC 29601	Good Standing	Foreign	2000-181-C	2000-597	7/26/2000
3	BT Communications Sales, LLC Linda J. Cicco - Reg Comp Mgr 11440 Commerce Park Drive Reston VA 20191	Corporation Service Co 1703 Laurel Street Columbia SC 29201	Good Standing	Foreign	1999-163-C	1999-593	8/24/1999
4	Business Discount Plan, Inc. Allison Bloom - President 1 World Trade Center, Ste 800 Long Beach CA 90831	Prentice Hall Corp. System Inc. 1703 Laurel Street Columbia SC 29201	Good Standing	Foreign	1996-257-C	1997-127	2/14/1997
5	Genesis Telecommunications Company, LLC Ken Jefferson - President PO Box 675 Greenwood SC 29648	John Lawrence 1117 Reynolds Avenue Greenwood SC 29646	Good Standing	Domestic	2000-350-C	2000-873	10/27/2000
6	Global NAPS South Carolina, Inc. James R.J. Scheltema - VP-Reg Affairs 89 Access Rd, Ste B Norwood MA 02062	CT Corp System 75 Beattie Place Two Insignia Financial Plaza Greenville SC 29601	Good Standing	Foreign	2001-503-C	2002-258	4/10/2002
7	IPC Network Services, Inc. Thomas Lynch, Esq. - c/o Thomas Lynch & Associates The Crosby Bldg 705 Melvin Ave, Ste 104 Annapolis MD 21401	CT Corp System 75 Beattie Place Two Insignia Financial Plaza Greenville SC 29601	Forfeiture 2-9-09	Foreign	2006-55-C	2006-368	6/12/2006
8	Navacore, LLC Thomas K. Gwyn - Partner PO Box 3413 Rock Hill SC 29732	Thomas K. Gwyn 137 E White Street Rock Hill SC 29730	Good Standing	Domestic	2006-111-C	2006-468	8/4/2006
9	New Century Telecom, Inc. Karyn Bartel - President 700 Hembree Place, Suite A Roswell GA 30076	Corporation Service Co 5000 Thurmond Mall Blvd Columbia SC 29201	Forfeiture 11/19/98	Foreign	1997-474-C	1998-359	5/19/1998

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OUT OF COMPLIANCE - DOCKET #2009- -C

	OrganizationName	Registered Agent	Secretary of State status	Foreign or Domestic	Docket #	Order #	Date Certificate Issued
10	Path Enterprises, Inc. DBA Econocall, Inc. S. Tanna - President 177 Parkside Drive Union NJ 07083	US Document Services Inc 2817 Devine Street, Suite 12 Columbia SC 29205	Dissolved 9/25/01	Foreign	2001-312-C	2001-1040	11/16/2001
11	QX Telecom, LLC Chaim Millstein - Regulatory Contact 230 Fifth Avenue, Ste 800 New York NY 10001	Capitol Corporate Services, Inc. 2 Office Park Court, Suite 103 Columbia SC 29223	Good Standing	Foreign	2001-469-C	2002-366	5/12/2002
12	Sterling Telecom, Inc. William Honor - General Mgr 242 Beverly Rd Huntington Station NY 11746	National Registered Agents, Inc. 2 Office Park Court, Ste 103 Columbia SC 29223	Good Standing	Foreign	2007-405-C	2008-146	3/6/2008
13	Telecare, Inc. Pamela Mock - Dir. of Operations 444 Lafayette Rd Noblesville IN 46060	Corporation Service Company 1703 Laurel Street Columbia SC 29201	Good Standing	Foreign	1992-320-C	1992-891	10/21/1992
14	Telecom Services of the Low Country, LLC Walter Gnann - President 14 Savannah Hwy., Ste. 14 Beaufort SC 29906	Walter N. Gnann, Jr. 14 Savannah Hwy., Ste 14 Beaufort SC 29906	Good Standing	Domestic	2003-274-C	2004-403	8/26/2004
15	U.S. Telecom Long Distance, Inc. Allison Bloom - Controller 3960 Howard Hughes Parkway #15001F Las Vegas NV 89109	National Registered Agents, Inc. 2 Office Park Court, Ste 103 Columbia SC 29223	Reinstatement 1/2/02	Foreign	1998-89-C	1998-656	8/27/1998
16	US Carrier Telecom Pedro Ferreira - Regulatory Officer 180 Interstate North Pkwy., Suite 200 Atlanta GA 30339	Corporation Service Company 1703 Laurel Street Columbia SC 29201	Good Standing	Foreign	2001-256-C	2001-1053	11/16/2001
17	West Communications, Inc. William Brent Saxon - Regulatory Affairs 210 E. Main St. Walhalla SC 29691	Clare Davis 900 South Irby Street Florence SC 29501	Good Standing	Domestic	2003-336-C	2004-102	3/12/2004
18	Working Assets Funding Service, Inc. DBA Credo Long Distance Walter McGee - Reg. Mgr. 101 Market Street, Suite 700 San Francisco CA 94105	CT Corp System 75 Beattie Place Two Insignia Financial Plaza Greenville SC 29601	Good Standing	Foreign	1993-677-C	1994-321	4/8/1994

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2009-___-C

July 16, 2009

IN RE: Petition of the Office of Regulatory)
Staff for Commission to Order a)
Rule to Show Cause as to Why The)
Certificates of Public Convenience) **AFFIDAVIT OF**
and Necessity for Certain Providers) **JEANNE GORDON**
of Telecommunications Services)
Should Not be Revoked)

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Jeanne Gordon and I am employed by the Office of Regulatory Staff ("ORS") as Program Specialist in the Telecommunications, Transportation, Water and Wastewater Department.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- 3) It is the regular business practice of ORS to maintain certain business records required to be filed by telecommunication carriers that are subject to the jurisdiction of the PSC.
- 4) As part of my job duties and responsibilities, I review all annual report information received from telecommunications carriers under the jurisdiction of this Commission.
- 5) On July 16, 2009, I examined the business records on file with ORS.
- 6) As a result of that examination, I attest that the Annual Report forms have not been filed with ORS by the following telecommunications carriers as of July 16, 2009: (Exhibit A)

EXHIBIT B

- 7) I researched the South Carolina Secretary of State's website in order to determine the corporate status of the business entities listed in Exhibit A of this petition. I attest that, to the best of my knowledge, the corporate statuses of the business entities listed in Exhibit A are accurate.

AND FURTHER THE AFFIANT SAYETH NOT.



JEANNE GORDON

Program Specialist

Office of Regulatory Staff

1401 Main Street, Suite 900

Columbia, South Carolina 29201

Sworn and subscribed before me
this 15th day of July, 2009



Notary Public for South Carolina

My Commission Expires: May 3rd 2017

Pamela J. McMullan